

### **III. REMARKS**

#### **Status of the Claims**

Claims 1,3,7,8,15, and 18 are amended. Claims 2,6,16, and 19 are canceled. Claims 1,3-5,7-15,17,18, and 20 are presented for further consideration.

#### **Summary of the Office Action**

Claims 1,5,9-15,17-18, and 20 stand rejected under 35USC102(e) on the basis of the cited reference Iera, "Priorities for an Effective Management of Multimedia Services in UMTS" (Proceedings IEEE INFOCOM 1996). Claims 2-4,6,16, and 19 stand rejected under 35USC103(a) based on the disclosure of Iera in view of the teaching of Reardon, et al, U.S. Patent No. 5,636,223. The Examiner is respectfully requested to reconsider the rejection in view of the above amendments and the following remarks.

#### **Discussion of the Cited References**

The examiner has relied on the reference Iera in support of the rejection based on anticipation. In the amendments to the claims presented above, the limitations of claims 2 and 6 are now incorporated into independent claims 1,15, and 18. In view of the Examiners admission in the second paragraph of section 4 of the office action, applicant submits that the rejection based on anticipation is fully met and is now moot.

The examiner cites the reference Reardon et al as teaching "organizing into sets on at least two hierarchical levels and a priority data item is given for each set", referring in particular to Figures 3 and 4, and the text in col. 7, lines 4-8. However, a careful review of Figure 4 of Reardon et al. shows that the terminal priority and the channel priority are actually

on the same hierarchical level because an increase of terminal priority level by one step is compensated by decreasing the channel priority level by one step, when the access priority value is determined.

If more channels are required than what is available, the channels are denied according to the combination (sum) of the priority level values. However, in a preferred embodiment of the present invention the priorities are hierarchical. If more channels are required than what is available, the channels are first denied according to the first (most significant) priority data item (absolute priority) as explained in the description of Fig. 2 of the present invention. If two bearers have the same absolute priority value, only then will the value of a second (relative) priority data item be checked in order to select the bearer to be denied. Thus there are hierarchical levels among the bearers and identities in the present application. Applicant, therefore, submits that the reference Reardon et al does not support the rejection of the independent claims of this application, as amended, based on 35USC103(a).


The above arguments are equally applicable to the rejected dependent claims of this application.

In view of the remarks stated above, Applicant submits that all of the claims under consideration contain patentable subject matter and favorable action by the Examiner is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$110.00 is enclosed for a one month extension of time. The Commissioner is hereby authorized to

charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
Geza C. Ziegler, Jr.  
Reg. No. 44,004

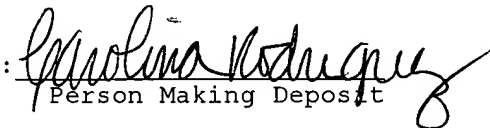
5 April 2004  
Date

Perman & Green, LLP  
425 Post Road  
Fairfield, CT 06824  
(203) 259-1800  
Customer No.: 2512

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 4/5/04

Signature:   
Person Making Deposit